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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/694,758	10/23/2000	Shukti Chakravarti	CWV-001.01	7408
41552	7590	02/08/2006	EXAMINER	
MCDERMOTT, WILL & EMERY 4370 LA JOLLA VILLAGE DRIVE, SUITE 700 SAN DIEGO, CA 92122			PONNALURI, PADMASHRI	
			ART UNIT	PAPER NUMBER
			1639	
DATE MAILED: 02/08/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

020206

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Commissioner for Patents

The reply filed on 11/11/05, is not responsive to the prior Office action because of the following omission(s) or matter(s): Applicants has canceled claims 30-41 and added new claims 42-52.

The newly added claims 42-52 are distinct from the examined claims 30-41.

Newly submitted independent claim 42 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the originally or previously examined claim is drawn to 'a method for determining an IBD or pre-IBD phenotype of a test cell from a given tissue, and the newly added claim 42 is drawn to a method for diagnosing IBD in a subject, which is distinct from the examined claim 30 method. The newly added claim 42 requires different modes of operation to practice the method. The inventions are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01).

In the instant case the inventions of newly added claim 42 require different modes of operation to practice the claimed method, such as determining the expression level of gene using 'Northern blot analysis, reverse transcription-polymerase reaction, or array' whereas the examined claim 30 method requires identification of hybridization between the probe and mRNA of test cell. Thus, the newly added claims 42-52 are drawn to a distinct invention from the examined claims 30-41.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 42-52 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The amendment filed on 11/11/05 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03).

The newly added claims are not readable on the elected invention for the reasons discussed above.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Padmashri Ponnaluri whose telephone number is 571-272-0809. The examiner can normally be reached on Monday through Friday between 7 AM and 3.30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang can be reached on 571-272-0811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Art Unit: 1639